

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
STANLEY PATRICK WEBER,
Defendant.

Criminal Docket
No. CR 18-14-GF-BMM

Partial Transcript of Trial with a Jury
Testimony of Dr. Daniel V. Foster

Missouri River Federal Courthouse
125 Central Avenue West
Great Falls, MT 59404
Wednesday, September 5th, 2018
3:17 p.m. to 3:28 p.m.

BEFORE THE HONORABLE BRIAN MORRIS
UNITED STATES DISTRICT COURT JUDGE

Yvette Heinze, RPR, CSR
United States Court Reporter
Missouri River Federal Courthouse
125 Central Avenue West
Great Falls, MT 59404
yvette_heinze@mtd.uscourts.gov
(406) 454-7805

Proceedings recorded by machine shorthand
Transcript produced by computer-assisted transcription

1 APPEARANCES

2 PRESENT ON BEHALF OF THE PLAINTIFF,
3 THE UNITED STATE OF AMERICA:4 Jeffrey K. Starnes
5 Assistant U.S. Attorney
6 US ATTORNEY'S OFFICE
7 119 1st Avenue North
8 Great Falls, MT 594019
10 Lori A. Harper Suek
11 Assistant U.S. Attorney
12 U.S. ATTORNEY'S OFFICE
13 2601 Second Avenue North, Suite 3200
14 Billings, MT 59101

15 PRESENT ON BEHALF OF THE DEFENDANT:

16 Harvey A. Steinberg
17 SPRINGER AND STEINBERG
18 1600 Broadway, Suite 1200
19 Denver, CO 8020220 Nicole L. Siefert
21 RHOADES, SIEFERT & ERICKSON, P.L.L.C.
22 430 North Ryman, Second Floor
23 Missoula, MT 5980224 Ryan T. Cox
25 SPRINGER AND STEINBERG
1600 Broadway, Suite 1200
Denver, CO 80202

19 --00--

20 I N D E X21 WITNESSES CALLED BY THE PLAINTIFFPAGE22 DR. DANIEL V. FOSTER,
23 DIRECT EXAMINATION BY MS. SUEK

3

24 PROCEEDINGS25 REPORTER'S CERTIFICATE

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1 DR. DANIEL FOSTER -- DIRECT EXAMINATION BY MS. SUEK
2

3 PROCEEDINGS
4

5 (Open court.)
6

7 (Defendant present.)
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9 (Whereupon, during the above-entitled trial, testimony of
10 Dr. Daniel V. Foster proceeded as follows:)
11

12 MS. SUEK: Your Honor, United States calls
13 Dr. Dan Foster.
14

15 DR. DANIEL V. FOSTER,
16 called for examination by counsel for the government, after
17 having been first duly sworn to testify the truth, the whole
18 truth, and nothing but the truth, testified as follows:
19

20 THE COURT: Good afternoon, sir.
21

22 THE WITNESS: Good afternoon.
23

24 THE COURT: Would you please state your full name for
25 the record.
26

27 THE WITNESS: Daniel V. Foster.
28

29 THE COURT: Go ahead, Ms. Suek.
30

31 DIRECT EXAMINATION
32

33 BY MS. SUEK:
34

35 Q. Sir, tell us about your employment history.
36

37 A. Well, most of my career I worked with -- initially, I
38 worked with Yukon-Koyukuk Mental Health Program up in Galena,
39 Alaska. I was the first director. That was back in 1980.
40 Provided mental health service for seven villages in the
41

DR. DANIEL FOSTER -- DIRECT EXAMINATION BY MS. SUEK

1 interior of Alaska.

2 Then I went with the Bureau of Prisons for 11 years.
3 Worked there as the drug treatment program coordinator for the
4 United States Penitentiary in Lompoc, California. Then I
5 worked as a forensic psychologist, doing evaluation at the US
6 Medical Center for Federal Prisoners in Springfield, Missouri.
7 Then I went to the Federal Medical Center in Rochester,
8 Minnesota, as the Chief of Psychology Services. And then
9 later, the deputy warden in charge of the Psychiatric Hospital
10 and Mental Health Services. And then I went to the Central
11 Office as the director of drug abuse programs nationally for
12 the Bureau of Prisons.

13 And then I went for a year to the University of
14 North Dakota. My wife -- the other Dr. Foster -- and I helped
15 start up a program called, "Indians in Psychology Doctoral
16 Education Program" at the University of North Dakota, Grand
17 Forks. And I'm glad to say it's still going, and our youngest
18 daughter graduated from there with her Ph.D. in psychology
19 about four years ago. She's now a licensed psychologist here
20 in Montana.

21 And then I worked for the next 20-some years for the
22 Indian Health Services: 13 years at Browning, Montana, and
23 then the last 13 years at Rosebud, South Dakota. And retired
24 last summer.

25 Q. Dr. Foster, what is your education?

DR. DANIEL FOSTER -- DIRECT EXAMINATION BY MS. SUEK

1 A. I received my under graduate degree at Willamette
2 University in Salem, Oregon in psychology. I did a triple
3 major, so I had a couple other majors. And I did my doctorate
4 at Baylor University in Waco, Texas, in clinical psychology.
5 And I did my postdoctoral master's of science in
6 psychopharmacology at Alliant University out of San Francisco,
7 California.

8 Q. Focusing on your career with Indian Health Service, IHS,
9 you mentioned that you were in Browning, Montana for 13 years.

10 || What time period, Dr. Foster?

11 A. Actually, I think it was 11 years. So it would have been
12 from 1994 through 2005.

13 Q. And then, after that, you were in South Dakota for Indian
14 Health Service?

15 A. Yes, in Rosebud, Indian Health Service.

16 || Q. You mentioned that you are married?

17 || A. I am.

18 Q. To who?

19 A. My wife, Dr. Becky Crawford.

20 Q. And I believe that I have referred to her, unfortunately,
21 as Crawford because I know her that way as well. But she's
22 also known by Dr. Becky Foster; correct?

23 A. Or Crawford-Foster, correct.

24 Q. Dr. Foster, during your time in Browning, Montana for
25 Indian Health Service, did you have occasion to get to know

DR. DANIEL FOSTER -- DIRECT EXAMINATION BY MS. SUEK

1 Dr. Stanley -- Dr. Pat Weber?

2 A. Not really, but I met him. I didn't get to know him.

3 Q. Could you explain if you remember, for the ladies and
4 gentlemen of the jury, how long your times, Dr. Weber's and
5 yours, in Browning overlapped?

6 A. I think approximately a year, possibly up to 15 months. I
7 don't recall exactly.

8 Q. What did you understand from your perspective -- well, I
9 should ask you: What were you doing in Browning for Indian
10 Health Service?

11 A. I don't know what the title there was. I think, maybe,
12 Director of Behavioral Health or Chief of Psychology, one or
13 the other.

14 Q. You were practicing as a clinical psychologist?

15 A. Clinical psychologist at a middle level management level.

16 Q. What was your understanding of Dr. Weber's role for Indian
17 Health Service?

18 A. A pediatrician.

19 Q. During your year to 15 months, did you have occasion to
20 observe Dr. Weber in his work?

21 A. Not observe him in his work, but observe aspects of his
22 work.

23 Q. Did any of those aspects that you observed cause you
24 concern?

25 A. Within two months, yes.

DR. DANIEL FOSTER -- DIRECT EXAMINATION BY MS. SUEK

1 Q. Can you explain what you observed that caused you concern?

2 A. I'd worked with a range of serious mental illness while I
3 was with the Bureau of Prisons. And my last -- my last seven
4 years when I was at the Federal Medical Center in Rochester,
5 Minnesota, we had a 138-bed inpatient psychiatrist hospital.
6 And we also had specialty care for inpatient and outpatient
7 drug abuse and chemical abuse treatment programs there. And
8 then we also had for a time a specialized sex offender
9 rehabilitation treatment program while I was there.

10 So I was a hands-on director. I ran groups and saw
11 some people individually while I was there. And particularly
12 with -- well, with all of the inpatient groups, I spent time
13 with the staff, as well as with -- we were all male in the
14 treatment programs. We had some females who also served in our
15 medical center that we also provided services for. So we had a
16 138-bed hospital, as well as the psychiatrist hospital on the
17 compound. And so I worked -- particularly as we were starting
18 up the sex offender treatment group, I worked with some of
19 those men. So I immediately saw some patterns of his
20 interventions --

21 MR. STEINBERG: Your Honor, I'm going to object. I'm
22 going to object in terms of relevance.

23 THE COURT: Overruled. Let's get to the point.

24 BY MS. SUEK:

25 Q. What did you observe about Dr. Weber?

DR. DANIEL FOSTER -- DIRECT EXAMINATION BY MS. SUEK

1 A. Yes. A concern I had early on was Dr. Weber was a part of
2 the multidisciplinary team. We met weekly. And in this team
3 we identified youths that were at risk for neglect and abuse,
4 not just sexual abuse but sexual abuse included. In fact, we
5 had a member of your office who was up there on a monthly basis
6 to --

7 Q. And what did you observe of Dr. Weber?

8 A. But Dr. Weber used to have a list of prepubescent males
9 that he spent time with, both at the middle school, as well as
10 in his offices there at the hospital. That concerned me.

11 Q. Did you see any other physicians spending time, as you
12 say, with this list of at-risk males?

13 A. Never anyone else through the present time, no.

14 Q. Did you observe anything else that caused you concern?

15 A. Well, did I observe directly? No.

16 Q. Was there a time when you were in Shelby at a pizza place?

17 A. I apologize. Yeah, my wife and I were coming back from
18 South Dakota, and we stopped by a Pizza Hut. And Dr. Weber was
19 there with several boys from Browning, the Blackfeet
20 Reservation. Though, initially, I didn't recognize it was
21 Dr. Weber. I thought it was several boys. He was dressed --

22 Q. Why do you say that?

23 A. He was dressed with a hat sideways, wore baggy pants and
24 dressed in the attire of these middle school kids.

25 Q. Why did that cause you concern?

DR. DANIEL FOSTER -- DIRECT EXAMINATION BY MS. SUEK

1 A. I didn't see any of their family --

2 MR. STEINBERG: Objection, Judge.

3 THE COURT: Hold on, sir.

4 MR. STEINBERG: Relevance.

5 THE COURT: Overruled. Go ahead, please.

6 BY MS. SUEK:

7 Q. Did why did that cause you concern?

8 A. I didn't see any of their family members present.

9 Q. In your experience with IHS to that point, was that
10 unusual for you to see doctors with males like that at a Pizza
11 Hut?

12 A. Never witnessed it before or since.

13 Q. What did you do about these concerns, sir?

14 A. I brought my concerns to our service unit director. Now
15 they call it the hospital CEO, Mary Ellen LaFromboise. And I
16 also brought it up to my Regional Director of Behavioral
17 Health, Margene Tower.

18 Q. And after you made the complaint, sir, what, if anything,
19 happened to you?

20 A. Well, Indian County is not an easy -- well, maybe nowhere
21 is easy to work and live. Maybe that's life. But our
22 department had already been somewhat fractured before I got
23 there, and one of the --

24 Q. Dr. Foster, I just need to answer: What happened to you,
25 if anything, after making that complaint?

1 DR. DANIEL FOSTER -- DIRECT EXAMINATION BY MS. SUEK

2 A. Well, we were -- that's what I was trying to explain. But
3 there were factions already present when I got there. One of
4 my goals was to try to unify the department. Instead, it
5 fractionated the department because it became kind of an
6 us-against-them thing. And so my wife and I were ostracized by
7 several of our colleagues for the next 11 years.

8 Q. Did it eventually lead to your transfer?

9 A. That was a contributing factor.

10 Q. I have no further questions.

11 THE COURT: Cross-exam.

12 MR. STEINBERG: May I have a moment?

13 THE COURT: You may.

14 (Off-the-record discussion among Mr. Steinberg, Mr. Cox,
15 and Ms. Siefert.)

16 MR. STEINBERG: No questions. Thank you.

17 THE COURT: Is the witness excused?

18 MS. SUEK: Yes, Your Honor.

19 THE COURT: You may step down, sir. Thank you very
20 much for your time.

21 (Whereupon, the trial continued.)

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REPORTER'S CERTIFICATE

REPORTER'S CERTIFICATE

2 I, Yvette Heinze, a Registered Professional
3 Reporter and Certified Shorthand Reporter, certify that the
4 foregoing transcript is a true and correct record of the
5 proceedings given at the time and place hereinbefore mentioned;
6 that the proceedings were reported by me in machine shorthand
7 and thereafter reduced to typewriting using computer-assisted
8 transcription; that after being reduced to typewriting, a
9 certified copy of this transcript will be filed electronically
10 with the Court.

11 I further certify that I am not attorney for, nor employed
12 by, nor related to any of the parties or attorneys to this
13 action, nor financially interested in this action.

14 IN WITNESS WHEREOF, I have set my hand at Great Falls,
15 Montana, this 6th day of November, 2018.

/s/ *Yvette Heinze*

**Yvette Heinze
United States Court Reporter**